

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TYRONE NOEL NUNN,

Plaintiff,

v.

L.A. TRAMA, *et al.*,

Defendants.

Case No. 3:23-cv-00646-MMD-CLB

ORDER

*Pro se* Plaintiff Tyrone Nunn submitted a complaint for violation of his civil rights under 42 U.S.C. § 1983 (ECF No. 1-1 (“Complaint”)) and an application to proceed *in forma pauperis* (ECF No. 1 (“IFP Application”)). Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla Baldwin recommending that the Court grant the IFP Application and dismiss the Complaint with prejudice because amendment would be futile. (ECF No. 3.) Objections to the R&R were due January 10, 2024. (*See id.*) To date, Nunn has not objected to the R&R. For the reasons explained below, the Court adopts the R&R in full and will grant the IFP Application and dismiss this case with prejudice.

Because there was no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Baldwin did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (Emphasis in original). Judge Baldwin first recommends granting Plaintiff’s IFP Application (ECF No. 1) because he is unable to pay the filing fee. (ECF No. 3 at 1-2.) The Court agrees that Nunn has demonstrated his inability to pay and adopts this recommendation.

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1 Judge Baldwin next recommends dismissing the Complaint with prejudice because  
2 even construed liberally, Nunn does not present any coherent or plausible claims or  
3 demonstrate how he is entitled to relief. (ECF No. 3 at 3-4.) See Fed. R. Civ. Pro. 8(a)(2)  
4 (requiring that a complaint contain “a short and plain statement of the claim showing that  
5 the pleader is entitled to relief . . .”); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570  
6 (2007); *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (noting that a more forgiving  
7 standard applies to review of *pro se* party pleadings). The Court is unable to determine  
8 what causes of action Nunn intends to pursue from the narrative of his Complaint. (ECF  
9 No. 1-1 at 1-2.) Nunn also includes requests for relief that have no basis in law, such as  
10 “keys to the city.” (*Id.* at 5.) Because the Court agrees that amendment would be futile  
11 under the circumstances, see *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995),  
12 dismissal with prejudice is appropriate.

13 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF  
14 No. 3) is accepted and adopted in full.

15 It is further ordered that Plaintiff’s IFP Application (ECF No. 1) is granted. Nunn will  
16 not be required to pay an initial installment fee. Nevertheless, the full filing fee will still be  
17 due under 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act.

18 It is further ordered that the Nevada Department of Corrections pay to the Clerk of  
19 the United States District Court, District of Nevada, 20% of the preceding month’s  
20 deposits to the account of Tyrone Noel Nunn, #1252474 (in months that the account  
21 exceeds \$10.00) until the full \$350.00 filing fee has been paid for this action.

22 The Clerk of Court is further directed to file the Complaint (ECF No. 1-1).

23 It is further ordered that the Complaint is dismissed, in its entirety, with prejudice.

24 The Clerk of Court is directed to enter judgment accordingly and close this case.

25 DATED THIS 24<sup>th</sup> Day of January 2023.

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28 MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE